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### REMARKS

Claims 1-18 are pending in the application. Claims 1 and 12 have been amended by the present amendment. Claims 17 and 18 were withdrawn from consideration as being directed to non-elected subject matter. The amendments are fully supported by the application as originally filed (see, e.g., specification at page 18, second paragraph).

As an initial matter, the specification has been amended on page 7, third paragraph to correct inadvertent spelling and punctuation errors. No new matter is added.

Claims 1-16 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In particular, the terms "absolute value of magnetization" and "Curie temperature" were cited.

In the Background section of the application, Applicants used the terms "total magnetization" and "Curie temperature" in relation to the prior art (see page 4, last paragraph to page 5, first paragraph). On page 18, second paragraph of the specification, in the detailed description, these terms were applied to the Applicants' claimed invention. In view of these and other teachings in the application, one of ordinary skill in the art would sufficiently understand the scope of claims 1 and 12. Moreover, in response to the objection on page 3, last line of the Office Action (i.e., that the term "Curie temperature" must be specific to a material), claims 1 and 12 have been amended to recite "...to a Curie temperature of the second magnetic layer." It is believed that the amendments to claims 1 and 12, in conjunction with the above explanation, overcome the rejections under 35 USC 112, second paragraph.

Applicants' claimed invention is directed to a magnetic recording medium, including a substrate, a metal layer, and first and second magnetic layers. As recited in claims 1 and 12, the metal layer is formed on the substrate, and has unspontaneous magnetization property. Also, as recited in claims 1 and 12, the second magnetic layer has a greater peak absolute value of total magnetization than the first magnetic layer within a temperature range of between a room temperature and a Curie temperature (see, e.g., specification at page 18, second paragraph).

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In other words, according to the Applicants' claimed invention, the overall coercivity and magnetization of the magnetic recording medium are improved. By providing the metal layer in contact with the first magnetic layer, overall coercivity and magnetization are even further improved (see, e.g., specification at page 16, last paragraph to page 17, first paragraph).

Claims 1-16 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 6,893,746 to Kirino et al. ("Kirino") or U.S. Patent 6,671,233 to Shimazaki et al. ("Shimazaki") or U.S. Patent 6,678,219 to Hirokane et al. ("Hirokane") in view of U.S. Patent 6,638,597 to Shinoda et al. ("Shinoda"). This rejection is respectfully traversed.

It should be noted that the Hirokane reference is not prior art to the subject application under 35 USC 102(e)/103. Hirokane does not qualify as prior art under 35 USC 103(c), and therefore cannot be used in a rejection of claims under 35 USC 102(e)/103. The subject application and Hirokane have the same assignee, *Sharp Kabushiki Kaisha* of Osaka, Japan and were commonly owned at the time the invention was made. That is, the subject application and Hirokane were, at the time the invention was made, owned by Sharp Kabushiki Kaisha. Therefore, under MPEP 706.02(1)(2), Hirokane is not prior art to the subject application under 35 USC 103(c).

Regarding the rejection of independent claims 1 and 12, the Kirino, Shimazaki, and Hirokane references do not teach or suggest "a metal layer on the substrate as the layer having the 'unspontaneous' magnetization property," as admitted on page 5, second paragraph of the Office Action of 08/24/2005. Therefore, it is not possible to improve overall coercivity and magnetization of a magnetic recording medium, as provided in the Applicants' invention.

The Shinoda reference was cited allegedly to remedy this deficiency. Shinoda is directed to a magneto-optical recording medium for improving the C/N ratio, jitter, and reproducing power margin when using a blue-violet laser beam in magnetically induced super resolution reproduction (see column 5, lines 55-63).

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On page 5 of the Office Action, the Examiner cited a thermal control layer 7 formed of aluminum, and arranged on a second dielectric film 6 (see column 9, lines 36-38 of Shinoda). However, in Shinoda, the thermal control layer 7 is not formed on a substrate, as required in claims 1 and 12. Also, the thermal control layer 7 is separated from a recording layer 3 by the second dielectric film 6. Therefore, the thermal control layer 7 does not contact the recording layer 3.

Regarding the allegation that the thermal control layer 7 of Shinoda "inherently has 'unspontaneous' magnetization property," there is no teaching or suggestion that the thermal control layer 7 is even involved in magneto-optical recording. There is no discussion in Shinoda of exactly why the thermal control layer 7 is provided, but it is apparent by the name "thermal control layer" that it is not involved in magneto-optical recording, and thus would not have "unspontaneous magnetization property."

In other words, Shinoda merely discloses a *metal layer made of aluminum* (the "thermal control layer 7"), and does not teach or suggest any particular characteristics of the metal layer, in particular, whether or not it has unspontaneous magnetization property. Shinoda also does not teach or suggest an important benefit of the Applicants' claimed invention, i.e., improving the overall coercivity and magnetization of the recording medium.

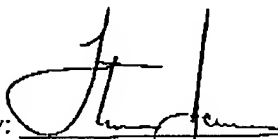
Therefore, even if the Shinoda reference were somehow combined with either of the cited primary references (Kirino, Shimazaki, or Hirokane), which there is no motivation to do, there is no teaching or suggestion that the proposed combination would include a metal layer which is formed on the substrate and has unspontaneous magnetization property. Therefore, it would be impossible to obtain a magnetic recording medium that can improve the overall coercivity and magnetization of the recording medium.

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It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

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